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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,468	06/29/2001	Alexey S. Kabalnov	10003878 -1	6545
7590 07/30/2004				
HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400			EXAMINER TRAN, LY T	
			ART UNIT 2853	PAPER NUMBER

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/895,468	<b>Applicant(s)</b> KABALNOV ET AL.	
	<b>Examiner</b> Ly T TRAN	<b>Art Unit</b> 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 9-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 9-15 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 12/3/03

Note: species 1, group 1: claim 1-8 not 1-9 as indicated in the last office action as a typo.

### ***Specification***

2. The disclosure is objected to because of the following informalities: "metal sulfate salt" in claim 7 is not disclose in the specification.

Appropriate correction is required.

In the specification, the Applicant only discloses "metal salt" not "metal sulfate salt", so for the purpose of examination, the examiner interprets the claim 8 such as metal salt is selected from the group of cobalt, iron, copper...

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2853

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Tognetti et al. (EP 960 873) in view of Pfaff et al (USPN 6,357,868).

Tognetti et al. discloses a method for printing on an article using any types of printing process (Page 2: line 3-15) comprising:

- Applying a fluid glazing material to an article creating a coating surface on the article, the fluid glazing material contains an under-printing agent (Page 2: line 33-35);
- Applying an aqueous chromophore-containing fluid onto the coated surface, the fluid primer contacts the chromophore-containing fluid (Page 2: line 36-40, 52-53, page4: line 13-15);
- Firing the article (Page 2: line 41);
- Transfer medium (Page 2: line 13);
- The article is a ceramic (Page 2: line 19-21).

Tognetti et al. discloses the claimed invention except that using direct printing instead of ink jet printing. Pfaff shows that direct printing and inkjet printing is an equivalent structure known in the art (column 2: line 35-42). Therefore, because direct printing and inkjet printing were art recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute ink jet printing for directing.

3. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognetti et al. (EP 960 873) in view of Pfaff et al (USPN 6,357,868) as applied to claims 1-4 above, and further in view of Moffatt et al. (USPN 5,891,232).

The combination of Tognetti et al and Pfaff et al. fails to teach the chromophore containing fluid comprise a transition metal salt and the transition metal salt is selected from the group consisting of nitrates and sulfates.

Moffatt et al. teaches the transition metal salt is selected from the group consisting of nitrates and sulfates (Column 5: line 30-35).

It would have been obvious to one having skill in the art at the time the invention was made to modify Tognette and Pfaff with the teaching of Moffatt using the chromophore comprise a transition metal salt and the transition metal salt is selected from the group consisting of nitrates and sulfates. The motivation of doing so is to obtaining a smearfast and fast drying ink.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tognetti et al. (EP 960 873) and Pfaff et al. (USPN 6,357,868) in view of Moffatt et al. (USPN 5,891,232) as applied to claims 1 and 5 above, and further in view of Daniels (USPN 4,136,076).

The combination of Tognetti et al, Pfaff et al and Möffatt fails to teach the metal ion provided by the transition metal salt selected from the group consisting of cobalt, copper, nickel and tin.

Daniels teaches the metal ion provided by the transition metal sulfate salt is selected from the group consisting of cobalt, copper, nickel and tin (Column 3: line 6-14)

It would have been obvious to one having skill in the art at the time the invention was made as modify Tognette, Moffatt and Pfaff with the teaching of Daniels to have the metal salt selected from the group consisting of cobalt, copper, nickel and tin. The motivation of doing so is to obtain fast drying with good extended print quality (Daniels USPN 4,136,076, Column 3: line 59-60).

### ***Response to Arguments***

5. Applicant's arguments filed 5/21/04 have been fully considered but they are not persuasive.

Applicant's argument that nothing in Tognetti that would lead one of ordinary skill in the art to combine it with any ink jet reference whatsoever is not persuasive because Tognetti discloses printing on an article using any types of printing process such as direct printing (Page 2: line 3-15) while Pfaff teaches printing on the ceramic using direct printing or ink jet printing. It would have been one of ordinary skill in the art at the time the invention was made to substitute the ink jet printing for direct printing for the same purpose such as printing an image on the ceramic.

Applicant's argument that Tognett does not teach aqueous is not persuasive because refer to page 4, line 13-15, Tognetti teaches an aqueous chromophore.

With respect to claim 7, because the Specification only discloses the metal salt not metal sulfate salt (claim7) so the Examiner interprets the claim based on the

specification. Daniel teaches metal salt is selected from cobalt, nickel and tin.

Therefore, Daniel still meets the limitation of the claim.

6. Applicant's arguments with respect to claim 5 and 6 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly T TRAN whose telephone number is 571-272-2155. The examiner can normally be reached on M-F (7:30am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 11, 2004

Application/Control Number: 09/895,468  
Art Unit: 2853

Page 7



**Stephen D. Meler**  
Primary Examiner